

PETITION FORM FOR  
VARIATION TO TITLE 17,  
PLANNING, SUBDIVISIONS AND  
PLANNED DEVELOPMENTS,  
OF THE WHEELING MUNICIPAL CODE

FOR OFFICE USE ONLY

=====

ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

SIGN AFFIDAVIT DATED \_\_\_\_\_

TO THE PETITIONER:

Anyone who requests that the Village vary its subdivision requirements for a development on property within the corporate limits of the Village must first complete this form. The contents of this form are as follows:

Procedure and fees required  
Proposed use  
Documentation of location  
Disclosure of ownership  
Standards for variation

Please read the entire form and complete every section as thoroughly as possible. If you have any questions, please call the Department of Community Development.

## PROCEDURE AND FEES REQUIRED

1. PETITION: The Village Board of Trustees, the Plan Commission, the owner of a property or his authorized agent may file a petition with the Village of Wheeling for a variation to Title 17, Planning, Subdivision and Planned Developments.
2. FEES FOR A VARIATION TO TITLE 17: A fee of \$360 is required (check payable to the Village of Wheeling) when a petition is submitted. The fee includes \$150 for the initial fee (which is not refundable), \$150 cost deposit for expenses and \$60 deposit for a notice sign which must be posted on the subject property. The unused portion of the cost deposit will be returned to the petitioner but if the expenses exceed the cost deposit, the petitioner will be invoiced for the appropriate amount.
3. REVIEW: The Community Development Department will review all petitions to determine whether they conform to the codes and ordinances of the Village. A written report will be made to the Plan Commission which will forward a recommendation to the Village Board.
4. PUBLIC NOTICE: The Community Development Department will publish a Notice of Public Hearing in a local newspaper 15 days prior to the hearing. The petitioner will be mailed a copy of the newspaper notice prior to the publishing date.
5. WRITTEN NOTICE: Petitioner shall provide a copy of the Wheeling Township Office list of taxpayers of real estate within 250 feet of the subject property. A notarized Affidavit of Compliance shall be submitted to the Community Development Department prior to the public hearing, stating that written notice of the public hearing was provided to all listed taxpayers of real estate as required by Village Ordinance. (See attached)
6. SIGN: The Public Works Department will post a public hearing sign on the property subject to the variation at least 15 days prior to the date of the hearing. Public Works will provide a signed and notarized affidavit to the Community Development Department indicating that the sign was posted at least 15 days prior to the date of the hearing. The sign will be picked-up by Public Works approximately one week after the public hearing is completed. If the sign is received in good condition the sign deposit will be refunded to the petitioner. If the sign is missing or damaged the sign deposit will not be refunded.
7. PUBLIC HEARING: The members of the Plan Commission will hear and be provided all evidence and testimony by the petitioner and any person present at the public hearing, before voting either to recommend granting or denying the petition.
8. COURT REPORTER: The Village of Wheeling does not provide services for a court reporter at the Plan Commission public hearings. Any petitioner wishing to have a court reporter present may do so at his own expense.
9. VILLAGE BOARD ACTION: The Plan Commission and the Community Development Department recommendations will be forwarded to the Village Manager who schedules the petitioner's docket on a Village Board of Trustees regular board meeting. The Board will vote to deny or approve the petition. After the Board votes to pass the ordinance, the petition is granted. The petitioner can then apply for a building permit.

NOTE: THE VILLAGE BOARD OF TRUSTEES MEETS THE FIRST AND THIRD MONDAYS OF EACH MONTH.

NOTE: THE PLAN COMMISSION MEETS THE SECOND AND FOURTH THURSDAYS OF EACH MONTH.

**PROPOSED USE**

1. Existing use and zoning of property: \_\_\_\_\_  
\_\_\_\_\_
2. Variation requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ or as determined by the Village.
3. Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DOCUMENTATION OF LOCATION**

1. Address or location of subject property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. The petitioner is required to submit two copies of a current plat of survey with legal description and all existing buildings and facilities attached to this form.

## DISCLOSURE OF OWNERSHIP

1. The petitioner is required to submit the following information attached to this form:

- ☐ One copy of current Plat of Survey of the property including legal description, location of existing buildings and structures.
  - ☐ A copy of all covenants, conditions, or restrictions concerning type of improvements, setbacks, area or height requirements, occupancy or use limitations, etc., placed on the property and now of record.
  - ☐ A copy of most recent receipted tax bill.
  - ☐ A copy of the Title Insurance Policy.
- If property is:
- ☐ 1a. Owned by individual(s);
    - **Title Tract Search**, or
    - one **copy** of the **latest recorded deed with affidavit**
  - ☐ 1b. Administered by a trust;
    - one **certified copy** of the **trust agreement, trust deed** and a **list of beneficiaries**
  - ☐ 2a. Rented or leased by the petitioner;
    - a **letter of authorization** from the **owner or trust officer**
    - a **copy** of the **lease**
  - ☐ 2b. If the petitioner is a contract purchaser;
    - a **letter of authorization** from the **owner or trust officer**
    - a **copy** of the **contract**

2. PETITIONER'S NAME:

NAME: \_\_\_\_\_ RELATION TO OWNER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE, ZIP: \_\_\_\_\_  
PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

3. PETITIONER'S CONTACT:

NAME: \_\_\_\_\_ RELATION TO PETITIONER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE, ZIP: \_\_\_\_\_  
PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

4. List the owner(s) of the subject property who have or had an interest in any of the adjoining properties since January 1, 1970.

\_\_\_\_\_  
\_\_\_\_\_

5. Has the property been, or is it now, the subject of any other action by the Village? \_\_\_\_\_ If yes, give details. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**STANDARDS FOR VARIATIONS - TITLE 17**

1. State how the potential future volume or type of traffic affecting the property in question warrants a variation from this title.

Response: \_\_\_\_\_

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2. State how the topographic or soil conditions of the property in question warrants a variation from this title.

Response: \_\_\_\_\_

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3. State how the strict application of any provision of this title would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of property abutting upon an existing or proposed street.

Response: \_\_\_\_\_

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4. Indicate how the property in question cannot yield a reasonable return if permitted to be used only under the terms of this title, and where the plight of the owner is due to unique circumstances, and where the variation, if granted, would not alter the essential character of the area.

Response: \_\_\_\_\_

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5. State why proposed construction materials, different from those enumerated in Title 17 and not approved by the village engineer, warrant a variation from this title.

Response: \_\_\_\_\_

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\_\_\_\_\_  
SIGNATURE OF PETITIONER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(Print or type name)